



ANNUAL NOTICES

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Numerous federal (and state) laws require school districts to provide students, parents, and/or the public with notices, many of which must be provided at the beginning of the school year. Fortunately, oftentimes federal agencies or other entities create “model” notices (or provide information useful to creating notices) that can be easily tailored to meet individual district needs. The following article describes some of the notices required by federal law and provides links to documents that may be used in writing notices. This article does not contain a description of employment-related notices required by federal law or notices required by state law.

No Child Left Behind Act

The No Child Left Behind Act (NCLB) requires the state education agency, school districts, and individual schools to provide numerous notices to parents, the public, and others. Some of the notices that school districts and/or individual schools are required to give under NCLB include: annual report cards; progress reviews; schools identified for school improvement, corrective action, or restructuring; parental involvement policies; state education agency complaint procedures; teacher and paraprofessional qualifications; non-highly qualified teachers; student achievement information; an informational meeting on Title I, Part A; and a variety of information about the status of English language learners. When notice must be given and who must receive the notice differs for each notice.

- The U.S. Department of Education’s non-regulatory guidance document, *Parental Involvement Title I, Part A*, contains a chart listing the key parental notice requirements under Title I, Part A of NCLB, who has to issue the notices, and, when they must be issued. The description of each notice contains references to the relevant statute section and guidance documents, some of which contain model policies: Download this document at: <http://www.ed.gov/programs/titleiparta/parentinvguid.doc>

Federal Educational Rights and Privacy Act

Pursuant to the Federal Educational Rights and Privacy Act (FERPA), school districts must provide parents/guardians and adult students annual notice of their rights to inspect and review education records, amend education records, consent to disclose personally identifiable information in education records, and file a complaint with the U.S. Department of Education. 34 C.F.R. § 99.7.

- Download the U.S. Department of Education’s *Model Notification of Rights Under FERPA for Elementary and Secondary Schools* at: <http://www.ed.gov/policy/gen/guid/fpco/doc/ferpamodelnotice04.doc>



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Under FERPA, school districts may disclose directory information if they have given public notice to parents/guardians and adult students of what information has been designated as directory information and when and how parents/guardians and adult students may opt-out of allowing the district to disclose directory data. 34 C.F.R. § 99.37. Finally, under FERPA school districts must provide notice that they may release the name, address, and phone number of students to military recruiters unless parents opt out. 20 U.S.C. § 7908

- Download the U.S. Department of Education's *Model Notice for Directory Information* at: <http://www.ed.gov/policy/gen/guid/fpc/ferpa/mndirectoryinfo.html>

Protection of Pupil Rights Amendment

The Protection of Pupil Rights Amendment (PPRA) requires school districts to adopt a number of policies regarding surveys, instructional materials, physical examinations, personal information used for marketing, etc. Parents must be notified of these policies at least annually at the beginning of the school year and within a reasonable time period after any substantial change is made to the policies. 20 U.S.C. § 1232(h) (c)(2)(A).

- Download the U.S. Department of Education's *Model Notice of Rights Under the Protection of Pupil Rights Amendment* at:
<http://www.ed.gov/policy/gen/guid/fpc/pdf/modelnotification.pdf>

If districts plan to: (1) use students' personal information for selling or marketing purposes; (2) administer any survey about any of the eight topics listed in the statute (political beliefs, income, sex behavior or attitudes, etc.); or, (3) administer certain non-emergency, invasive physical examinations, districts must notify parents at least annually at the beginning of the school year of the specific or approximate dates when these activities are scheduled or expected to be scheduled. 20 U.S.C. § 1232(h) (c)(2)(B).

- Download the U.S. Department of Education's *PPRA Model Notice and Consent/Opt-Out for Specific Activities* at: <http://www.ed.gov/policy/gen/guid/fpc/pdf/ppraconsent.pdf>

Child Nutrition Programs

If school districts participate in the National School Lunch Program, the School Breakfast Program, or the Special Milk Program, near the beginning of the school year, they must provide both parents and the public information about free and reduced price meals and/or free milk. 7 C.F.R. § 245.5. Districts must also provide parents an application form. If districts want to disclose children's free and reduced eligibility status, they may do so in some instances usually only with prior notice and/or consent. 42 U.S.C. § 1758(b)(6)(D)(ii).

- The U.S. Department of Agriculture's document entitled *Eligibility Guidance for School Meals Manual* contains an explanation of the required notices and a sample notice and application form. The document also contains a chart describing to whom, and under what conditions, information regarding free and reduced eligibility status may be disclosed. Relevant notices appear in the appendices:
http://www.fns.usda.gov/cnd/Guidance/eligibility_guidance.pdf



McKinney Vento Act

The McKinney Vento Act requires homeless student liaisons to provide public notice of the education rights of homeless students disseminated in places where homeless students receive services under the Act. 42 U.S.C. § 11432(g)(6).

- The National Center for Homeless Students (funded by the U.S. Department of Education) has created posters (in black and white or color, in English or in Spanish, for parents or for students) that can be ordered on their website:
http://www.serve.org/nche/products_list.php#youth_poster

Asbestos Hazard Emergency Response Act

The Asbestos Hazard Emergency Response Act (AHERA) requires school districts to inspect their buildings for asbestos-containing building materials and develop, maintain, and update an asbestos management plan. School districts must annually notify parents, teachers, and employee organizations in writing of the availability of the management plan and planned or in progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities. 40 C.F.R. §§ 763.84(c), 763.94(g)(4).

- Download the U.S. Environment Protection Agency's *Model AHERA Yearly Notification Form* at: <http://www.epa.gov/region2/ahera/notiform.htm>

Title VI, Title IX, Section 504, Age Discrimination Act, Title II of the American with Disabilities Act

A number of federal statutes protect the rights of beneficiaries in programs or activities that receive financial assistance from being discriminated against. Specifically, the following statutes prohibit discrimination: Title VI on the basis of race, color, and national origin; Title IX on the basis of sex; Section 504 on the basis of disability; the Age Discrimination Act on the basis of age; and Title II prohibits state and local governments from discriminating on the basis of disability. The regulations implementing the above statutes require school districts to notify students, parents, and others that they do not discriminate on the basis of race, color, national origin, sex, disability, and age. Title VI, 34 C.F.R. § 100.6(d); Title IX, 34 C.F.R. § 106.9; Section 504, 34 C.F.R. § 104.8; Age Discrimination Act, 34 C.F.R. § 110.25; Title II, 28 C.F.R. § 35.106. However, the regulations contain minor differences relating to the notices required content and the methods used to publish them.

- Download the U.S. Department of Education's *Notice of Non-Discrimination*, which describes the content and publication requirements for each notice required under each statute. The document contains a sample notice of non-discrimination school districts may use to meet the requirements of **all** of the above statutes:
<http://www.ed.gov/print/about/offices/list/ocr/docs/nondisc.html>



- On August 4, 2004, the U.S. Department of Education sent a letter to post-secondary institutions reminding them of their notice obligations under Title IX. The letter, which is equally applicable to public K-12 school districts, indicates that the most frequent failure by post-secondary institutions is to disseminate the identity of and contact information for the Title IX coordinator:
http://www.ed.gov/about/offices/list/ocr/responsibilities_ix_ps.html

Individuals with Disabilities Education Act

Under the Individuals with Disabilities Education Act (IDEA), school districts must give parents of a child with a disability a copy of procedural safeguards one time a year. However, a copy of procedural safeguards must also be given to parents upon initial referral or parental request for an evaluation, upon filing a request for a due process hearing, upon a disciplinary action constituting a change in placement, and upon request of a parent. 20 U.S.C. § 1415(d)(1). A school district may post a copy of the procedural safeguards on its website. 20 U.S.C. § 1415(d)(1). The procedural safeguards notice must fully explain a number of procedural safeguards specified in the statute in the native language of the parents and be written in an easily understandable manner. 20 U.S.C. § 1415(d)(2).

- Download the Department of Education's *Model Form: Procedural Safeguards Notice* at:
http://idea.ed.gov/download/modelform3_Procedural_Safeguards_Notice.doc

Health Insurance Portability and Accountability Act

The Health Insurance Portability and Accountability Act (HIPAA) requires covered entities to provide a notice of its privacy practices. The notice describes how the covered entity may use and disclose protected health information, the covered entities' duties to protect privacy, information about the covered entities privacy practices, an individual's rights to complain about privacy violations to the U.S. Department of Health and Human Services, and contact information for complaints to the covered entity. 45 C.F.R. § 164.520. When, how, and to whom notice must be given depends of the type of covered entity required to give notice. 45 C.F.R. § 164.520.

- Page 11 of the U.S. Department of Health and Human Services' *Summary of the HIPAA Privacy Rule* contains HIPAA's notice requirements:
<http://www.hhs.gov/ocr/privacysummary.pdf>
- This U.S. Department of Health and Human Service document links to another summary exclusively about HIPAA notices entitled *Notice of Privacy Practices for Protected Health Information*: <http://www.hhs.gov/ocr/hipaa/guidelines/notice.pdf>

